

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**GENERAL MOTORS CORPORATION'S CONSOLIDATED OPPOSITION TO
ALL OF PLAINTIFF'S PENDING MOTIONS**

COMES NOW defendant General Motors Corporation (“GM”) and respectfully submits the following opposition to all of plaintiff’s pending motions.

I. PLAINTIFF'S MOTIONS DO NOT STATE A CLAIM AND WASTE JUDICIAL RESOURCES

Plaintiff has filed numerous motions that do nothing but misconstrue the law and only seek to waste time and money. As the Court can see from reviewing plaintiff's Motions, they are incoherent, disjointed, legally unsupportable and are incapable of intelligible response. For instance, plaintiff alleges GM's Motion for Summary Judgment was untimely even though the Court's Order clearly establishes dispositive motions were due on or before December 7, 2007. *See* Docket Entry 63. GM's Motion was timely filed and plaintiff's Motion ignores the facts. Similarly, plaintiff objects to the substitution of counsel even though local counsel withdrew and current counsel entered their appearance on the same date. Further, even though the dockets submitted by GM clearly show that the Motion and Suggestions in Support of Summary Judgment were filed in the proper case, plaintiff continues to argue that the pleading was filed in the

wrong case. *See* Docket Entry 79, Exhibit 9 (Suggestions in Support of Summary Judgment). Therefore, these are only attempts to waste GM's time and increase the cost of litigation.

Plaintiff's latest Motions continue to argue GM's failed to respond to his Motions and was untruthful with the Court. However, GM's positions are supported by proper citations to plaintiff's deposition and the admissible evidence. Plaintiff's allegations are based upon the very evidence that establish his claims should be dismissed as untimely, improper and without legal basis as detailed in GM's pending summary judgment motion. Plaintiff cannot state a legally cognizable claim of discrimination, harassment or any other improper basis. This fact is evident from all the evidence provided in GM's Summary Judgment Motion and Suggestions in Support.

GM sought summary judgment because there is no merit to plaintiff's claims. Plaintiff has failed to controvert any material fact in GM's Summary Judgment Motion and has no evidence establishing a *prima facie* claim of discrimination. Plaintiff has no evidence entitling him to judgment as a matter of law or for judgment on any basis. Thus, even if plaintiff's Motions were unopposed they should be denied as lacking any merit. Plaintiff is simply trying to avoid summary judgment by filing motion after motion that alleges impropriety by counsel. This is not only improper; it frustrates the system by needlessly prolonging this matter. As such, GM respectfully asks the Court enter summary judgment for all the reasons stated in its pending Motion for Summary Judgment.

II. CONCLUSION

For the foregoing reasons, General Motors Corporation respectfully submits that all of plaintiff's pending motions are devoid of merit and should be denied. Further, nothing in the record controverts any material fact or legal argument presented by GM. As such, GM request its summary judgment be granted and it be granted such further relief as the Court deems necessary in the premises.

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/s/ Margaret F. England

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CERTIFICATE OF SERVICE

I, Margaret F. England, hereby certify that a copy of General Motors Corporation's Consolidated Opposition To All Of Plaintiff's Pending Motions was served, by U.S. Mail, postage prepaid, on the following this 23rd day of January, 2008:

Roland C. Anderson
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/s/ Margaret F. England

Margaret F. England (No. 4248)